



An
Bord
Pleanála

Inspector's Report ABP 309973-21

Development	Single storey side extension and associated works
Location	290 Killinarden Estate, Dublin 24
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD21B/0056
Applicant	Patrick Redmond
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellant	Trevor O'Neill
Observer(s)	None
Date of Site Inspection	28/05/21
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

No.290 is a two storey end of terrace dwelling with a single storey rear extension within the mature residential estate of Killinarden in Tallaght. It is served by a gated side access to its rear garden.

No. 289, which bounds the site to the south-east, has a ground floor extension built up to the party boundary wall. The extension is setback from the front building line. The entrance door to the dwelling is in the side elevation facing the appeal site. This arrangement is mirrored elsewhere in the estate.

By reason of the estate layout and levels No. 289 has a building line forward of No. 290 and is at a lower level.

2.0 Proposed Development

Permission is sought for a single storey extension for the full extent of the dwelling and up to the party boundary with No.289. It is to extend 1.2 metres forward of the existing front building line and will tie into a new 1.8 sq.m. porch to the front door.

The extension is to have a mono pitch roof to the front and rear with the central section to have a flat roof. The extension is to be finished as the main dwelling.

3.0 Planning Authority Decision

3.1. Decision

Grant permission for the above described development subject to 2 conditions:

Condition 1(c): house and extension to be used as a single dwelling unit and shall not be sub-divided or used for any commercial purposes.

Condition 2: Surface water drainage requirements.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's report in the Record of Executive Business and Chief Executive's Order notes:

- The extension will visually accord with the character of the area and will integrate reasonably well with the existing house.
- Whilst No.289 is sited slightly below the ground level of the subject site it is considered that the proposal will not have a significant adverse impact in terms of overbearing or overlooking.
- No financial contribution applicable.

A grant of permission subject to conditions recommended.

3.2.2. Other Technical Reports

Water Services recommends further information on surface water drainage and SuDS.

3.3. Prescribed Bodies

Irish Water has no objection subject to conditions.

3.4. Third Party Observations

An objection to the proposal received by the planning authority is on file for the Board's information. The issues raised are comparable to the grounds of appeal summarised in section 6 below.

4.0 Planning History

I am not aware of any previous planning applications on the site.

5.0 Policy Context

5.1. South Dublin County Development Plan 2016-2022

The site is within an area zoned 'RES' the objective for which is to protect and/or improve residential amenity.

Housing Policy 18 - Residential Extensions

It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities.

H18 Objective 1: To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

Chapter 11 - Implementation

Section 11.3.3 (i) The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards.

5.2. Natural Heritage Designations

None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant is the owner/occupier of No.289 immediately adjoining the site. The grounds of appeal can be summarised as follows:

- The side extension to his dwelling would be adversely affected by the proposed development. It would block light to the porch door and window. The door would open out onto a wall. Lack of natural light would give rise to dampness.
- It would block light to the garden.

- It would impact on his privacy.
- There is no similar development in the estate and would be out of character.
- The development would devalue his property.
- He was told that the applicants intend to build an extension to rent out.
- Drainage concerns in view of the appeal site being higher with risk of flooding.

6.2. Applicant Response

None

6.3. Planning Authority Response

The issues raised in the appeal have been covered in the planner's report.

6.4. Observations

None

7.0 Assessment

I consider that the issues arising in the case relate to the impact on the amenities of the adjoining property and suitability of the extension design.

The appeal site is within the mature residential estate of Killinarden comprising of 2 storey terraced dwellings. It is within an area zoned 'RES' the objective for which is to protect and/or improve residential amenity. Whilst extensions and alterations to an existing dwelling are acceptable in principle there is an obligation to reconcile the need to meet the requirements of the applicant with the requirement that such works should maintain the visual amenities and character of the parent building and wider area, whilst not compromising the residential amenities of adjoining properties.

No.290 subject of the appeal is an end of terrace dwelling and has the benefit of a single storey extension to the rear. The proposed side extension, in itself, is modest in size and will have a stated floor area of 31.5 sq.m. It is to extend the full extent of the dwelling (inclusive of rear extension) and is to be built up to the party wall with No.289. It is to have a mono-pitch roof to the front and rear with an overall height

of 3.6 metres while the central section will have a flat roof with a height of 2.6 metres. Taking into consideration the differential in site levels of in the region of 0.3 metres, the extension will present as 3.9 and 2.9 metres respectively when viewed from the appellant's property. No windows are proposed in the elevation onto the shared boundary.

The extension forward of the existing front building line is modest at approx. 1.2 metres and will include a porch to the front door. Due to the staggered layout of the dwellings it will retain a marginal setback from the front building line of the appellant's dwelling. I consider that the extension will assimilate satisfactorily with the dwelling and will not be out of character in the area.

The entrance to the appellant's dwelling is in the side elevation and faces onto the applicant's property. It is setback approx. 2.606 metres from the shared boundary. A recessed single storey extension with windows both front and rear has been built up to the party boundary. I submit that the proposed extension would not adversely impact on light or privacy to either the door or window and would not be overbearing in aspect. In view of the appeal site being to the north-west of the appellant's property and the modest height of the extension it will not overshadow his rear garden area.

A condition clarifying that the extension shall not oversail the party boundary is recommended. I would also recommend that the applicant be informed of the provisions of Section 34(13) of the Planning and Development, Act, 2000, as amended, which states that a person shall not be entitled solely by reason of a permission to carry out any development.

The appellant's concern as to the use of the extension is noted. A condition will be attached requiring the existing dwelling and proposed extension to be jointly occupied as a single residential unit and precluding the selling or letting of the extension save as part of the dwelling.

As per the details available on the OPW's site www.floodinfo.ie a flood event was recorded in 2011. The proposed extension would not give rise to increased risk of flooding. The applicant will be required to ensure that surface water drainage is disposed of within the site and will not be permitted to allow water to drain onto neighbouring properties or the road.

In conclusion I consider that the extension would be appropriate in size and scale and I am satisfied that the amenities currently enjoyed by the appellant would not be adversely compromised by way of visual impact or loss of light.

Appropriate Assessment – Screening

Having regard to the location of the site and the nature and scale of the proposed development it is concluded no appropriate assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the residential zoning objective for the area and the pattern of development in the vicinity it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of scale, design and use, and would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity

3. No part of the proposed extension shall oversail the party boundary with No. 289 Killinarden Estate.

Reason: In the interest of clarity

4. The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional

circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity

6. The drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Surface water from the site shall not be permitted to drain onto the adjoining public road or adjoining properties.

Reason: In the interest of public health.

Pauline Fitzpatrick
Senior Planning Inspector

May, 2021